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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Slovakia

1. At its 663rd and 664th meetings (CRC/C/SR.663 and 664), held on 3 October 2000, the Committee on the Rights of the Child considered the initial report of Slovakia (CRC/C/28/Add.14), which was received on 6 April 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report, which followed in principle the guidelines for reporting and contained detailed information on the legal framework relating to the implementation of the Convention. It further appreciates the information provided in the written replies. The initial report lacked an analysis and sufficient data on the rights of the child in various sectors of the Convention. The Committee has been encouraged by the attendance of a high-level delegation, and expresses its appreciation for the open and professional dialogue that took place.

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* At the 669th meeting, held on 6 October 2000.

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B. Positive aspects

3. The Committee welcomes the accession or ratification by the State party of the most important international human rights instruments, including ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and the European Framework Convention on the Protection of National Minorities of 1995.

4. The Committee welcomes the provisions on protection of children in the Constitution as well as the confirmation by legislation of this protection in the civil, family, labour, administrative, social security, health insurance and criminal law.

5. The Committee welcomes the establishment of the post of Deputy Prime Minister on Human Rights, National Minorities and Regional Development.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee notes that the State party has had to face difficult economic and social challenges posed by the transition to a market economy, including rising income inequality and unemployment, which have had a negative impact on the population, particularly children belonging to the most vulnerable groups.

D. Principal subjects of concern and recommendations of the Committee

1. General measures of implementation

Coordination

7. Despite the existence of the Slovak Committee for the Rights of the Child, the Committee is concerned that there may be deficiencies in coordination in relation to the implementation of the Convention. However, the Committee is encouraged that the State party is considering the preparation of a national action plan on the rights of the child.

8. The Committee recommends that the State party continue to pursue through an open and consultative process, the preparation and development of a comprehensive national plan of action to carry out its obligations under the Convention, and give attention to intersectoral coordination and cooperation at and between national and local levels of government.

Data collection/monitoring

9. The Committee is concerned with deficiencies in the collection and analysis of disaggregated data relating to persons under 18 years with respect to the rights contained in the Convention.

10. The Committee recommends that the State party establish a mechanism to systematically collect and analyse disaggregated data and use this information as a basis to assess progress and design policies to implement the Convention. The Committee encourages the State party to seek technical assistance from, among others, UNICEF in this regard.

11. In the field of human rights protection and promotion, the Committee emphasizes the importance of regularly monitoring and evaluating progress in the implementation of international human rights standards, including the Convention, at the national and local levels.

12. Noting the State party's activities in this regard, the Committee encourages the State party to establish a statutory, independent institution, adequately resourced and with a mandate to regularly monitor and evaluate progress in the implementation of the Convention and empowered to receive and address complaints of violations of children's rights.

Budgetary allocation

13. The Committee regrets the lack of adequate information and apparent lack of transparency concerning the State budget resources allocated for the implementation of economic, social and cultural rights of children.

14. The Committee recommends that the State party implement article 4 of the Convention in the light of articles 3 and 6 in such a way that the proportions of the State budget that is allocated, to the maximum extent of available resources, and in accordance with legislation and policies, for economic, social and cultural rights, are easily identifiable and presented in a transparent way.

Training/dissemination of the Convention

15. Despite the various initiatives undertaken pursuant to the United Nations Decade for Human Rights Education, the Committee is concerned at the low level of awareness of the Convention amongst professionals working with and for children and the general public, including children.

16. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of Government. The Committee encourages the State party to pursue the promotion of children's rights education, including initiatives to reach the most vulnerable groups. Moreover, the Committee recommends that the State party strengthen its efforts to develop systematic and ongoing training programmes on the Convention for all professional groups working with and for children (e.g. legislators, judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers).

2. General principles

Best interests and consideration of views of the child

17. The Committee notes that the Constitution of Slovakia and other legislation provide adequate protection for the child and his or her family, which ensures the child's well-being. However, the concept of the best interests of the child and consideration for the views of the child are not explicitly included in legislative and administrative measures. While welcoming initiatives like the Children's Parliament, the Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, care institutions, the courts and, especially, within the family.

18. The Committee recommends that the State party review its legislation and administrative measures to ensure that articles 3 and 12 of the Convention are duly reflected therein. The Committee encourages the State party to promote and facilitate within the family, the school, care institutions and the courts respect for the views of children and their participation in all matters affecting them. In this regard, the Committee recommends that the State party develop skills-training programmes, in community settings, for teachers, social workers and local officials, in assisting children to make and express their informed decisions and to have these views taken into consideration.

Non-discrimination

19. The Committee notes the guarantees of equality and non-discrimination in article 12 of the Constitution and in the 1990 Charter of Fundamental Human Rights and Freedoms, and the provisions of the Penal Code concerning racism. The Committee welcomes the establishment of the Government's Plenipotentiary for Addressing Roma Minority Issues and the approval by the State of the 1999 Strategy for the Solution of the Problems of the Roma National Minority and the Set of Measures for its Implementation. In spite of continuing efforts by the State, the Committee is concerned that children belonging to the Roma minority experience de facto discrimination vis-à-vis several provisions of the Convention, particularly the right to the highest attainable health (art. 24), the right to an adequate standard of living (art. 27) and the right to education (art. 28).

20. The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The Committee endorses the recommendations made by the Committee on the Elimination of Racial Discrimination in its concluding observations (CERD/C/57/CRP.3/Add.4), and its general recommendation XXVII on discrimination against Roma, and recommends that the State party implement them. The Committee requests information on the progress of the implementation of the 1999 Strategy in its subsequent reports.

21. The Committee is concerned that the right of the child to be protected from discrimination by all appropriate measures is not implemented in conformity with article 2 of the Convention as the State party has not taken affirmative actions for the benefit of certain

vulnerable groups of children, especially Roma. The Committee notes that the Roma children need more help and support from the State party in order to enjoy the right to development on an equitable basis with other children.

22. The Committee recommends that the State party review the implementation of article 2 of the Convention in this respect. The Committee also recommends that the State party monitor and react to cases of discrimination against children in all sectors of society in a more effective manner.

23. The Committee notes that the 1999 Strategy envisages an analysis of the existing situation concerning discrimination on ethnic grounds against the Roma including, if necessary, amendments to relevant laws or the drafting of new laws.

24. The Committee recommends that the State party consider as an affirmative action the review of its legislation on a provisional basis with the aim of including the right of the Roma and their children to benefit from the development policies mentioned in the Strategy.

3. Civil rights and freedoms

Protection from torture, inhuman or degrading treatment or punishment

25. Noting the relevant provisions of the Penal Code, the Committee is concerned at the persistence of acts of violence by groups, particularly skinheads, directed towards Roma and their children and other ethnic minorities, and at continuous allegations that the police and prosecutors have failed to investigate acts of racially motivated violence promptly and effectively, and have been reluctant to identify a racial motive behind such attacks. The Committee is also concerned that the numbers of indictments and convictions are low relative to the number of incidents reported, and that perpetrators of racial crimes often receive light sentences.

26. The Committee recommends that the State party continue carrying out timely and thorough investigations and effective prosecutions against racist organizations. The Committee encourages the State party to continue to expand throughout the State preventive programmes to curb racially motivated violence directed towards Roma and their children and other ethnic minorities. The State party should develop clear guidelines and instructions for police and prosecuting authorities to assist them in identifying such crimes, and ensure timely and effective investigation, and prosecution of racially motivated attacks, including cases of police misconduct.

4. Family environment and alternative care

Children deprived of a family environment

27. The Committee is concerned at the existing practice of placing children outside the parental home and into institutional care, the limited periodic review of placement, and insufficient follow-up of children who leave institutional care.

28. The Committee recommends that the State party continue and strengthen its efforts to provide families and children in need with adequate professional and other support and to reunite children placed in institutions with their families. With respect to alternative care, the State party is encouraged to strengthen the foster care system and to promote placement of children with foster families and family-type foster homes. Attention needs to be given to adequate periodic review of placement, in accordance with article 25 of the Convention, and follow-up of children who leave care. The Committee encourages the State party to prepare and implement a comprehensive national plan of action to address the issue of children deprived of a family environment and to include information on its implementation in its second report.

Adoption

29. Noting that the State party has signed and is in the process of acceding to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, the Committee is concerned at the absence of clear legislative measures in this area.

30. The Committee encourages the State party to expedite its accession to and implementation of this Convention.

Violence/abuse/neglect/maltreatment

31. The Committee welcomes the establishment of special units in the Police Corps to deal with cases of neglect of children and domestic violence. The introduction in January 1999 of a special children's hotline to receive and address complaints in this area is a welcome development. The Committee is concerned that violence against women is a problem in Slovakia, and that this has harmful consequences on children.

32. In light of articles 19 and 39 of the Convention, the Committee recommends that the State party ensure that all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and care institutions, are prohibited. Attention should be given to ensuring that the abused child is not victimized in legal proceedings; strengthening programmes for the rehabilitation and reintegration of abused children; and addressing sociocultural barriers that inhibit victims from seeking assistance. The Committee recommends that the State party continue to undertake public education campaigns about the negative consequences of ill-treatment of children, including within the family. The Committee encourages the State party to continue to promote the use of the hotline and other mechanisms to receive complaints throughout the country; to use the disaggregated data collected as a basis for designing preventive and other measures; and to evaluate progress in this area.

5. Basic health and welfare

Children with disabilities

33. The Committee welcomes the comprehensive scheme of services and cash benefits available to families of children with disabilities as well as to non-governmental organizations

working in this area, but regrets that it has not received information regarding the eligibility criteria for these services and benefits. Further, it remains concerned at the inadequate infrastructure, the limited specialized staff and the institutionalization of children with disabilities, and the lack of inclusive programmes and policies and continuous monitoring of institutions.

34. The Committee recommends that the State party pursue a comprehensive approach towords addressing the rights of children with disabilities, reviewing existing policies and practice and taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (see CRC/C/69). The Committee recommends that the State party develop early identification programmes to prevent disabilities, undertake awareness-raising programmes to prevent discrimination and institutionalization, and establish community-based centres for the disabled to enable them to enjoy all the rights contained in the Convention. The Committee encourages the State party to seek assistance from, among others, UNICEF, UNESCO, WHO and relevant NGOs.

Right to health and health services

35. While acknowledging the measures taken to improve the health status of children, in particular initiatives related to the reduction of infant mortality, the Committee remains concerned about the persistence of regional disparities, particularly in relation to children belonging to the most vulnerable groups (e.g. Roma), in access to health care and the high rates of malnutrition of children under 5 and those in school.

36. The Committee recommends that the State party continue to undertake measures to ensure that all children, without discrimination, have adequate access to health-care services.

37. The Committee is concerned at the insufficient data available on the developmental health needs of adolescents.

38. The Committee recommends that the State party undertake a comprehensive study in order to understand the nature and extent of adolescent health problems and, with the full participation of adolescents, use this study as a basis to formulate adolescent health policies and programmes. In light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education, child-friendly counselling and rehabilitation services, and that the State party undertake prevention programmes against STDs and HIV/AIDS. The Committee recommends that the State party establish comprehensive family planning programmes, as well as measures to ensure that abortion is not perceived as a method of contraception. The State party is encouraged to continue cooperation with and seek assistance from, among others, UNICEF and WHO.

39. The Committee is concerned at the high levels of pollution in industrialized areas, particularly air pollution and water and food contamination caused by nitrates, pesticides and heavy metals.

40. In light of article 24 (c) of the Convention, the Committee recommends that the State party take all appropriate measures to prevent and combat the dangers and risks to the health of children posed by environmental pollution.

41. The Committee is concerned about reports of rising rates of tobacco and alcohol use among adolescents.

42. The Committee encourages the State party to provide children with accurate and objective information about substance use, including tobacco use, and to protect them from harmful misinformation through comprehensive restrictions on tobacco advertising. The Committee further recommends that the State party develop rehabilitation services for children who are victims of substance abuse.

Adequate standard of living

43. The Committee refers to the dialogue with the State party and notes that the social policies of the State party, in spite of their comprehensiveness, have resulted in the socio-economic exclusion of certain groups of children such as the Roma and children living in the streets and in institutions.

44. The Committee recommends that the State party include NGOs, especially family and children's NGOs, and civil society, in general, through dialogue, in the development of social policies in order to better understand the reasons for exclusion and to stimulate new ideas to raise the standard of living of vulnerable groups of children.

6. Education

45. The Committee acknowledges with appreciation that 10 years of schooling is compulsory in the State party and that it is free. The Committee is, however, concerned that children do not have the right to participate in the evaluation of their school achievements.

46. The Committee recommends that education in the State party be directed towards the development, with the active participation of the child, of the child's personality, talents and mental and physical abilities to their fullest potential, in accordance with article 29 of the Convention.

47. The Committee notes with concern that most Roma children attend special schools because of real or perceived language and cultural differences between the Roma and the majority; that the School Act does not offer instruction in the Roma language; and the negative, stereotypical description of the Roma and their children in general, but especially in the initial report.

48. The Committee recommends that the State party design further measures aimed at ensuring that Roma children have equal access to and opportunities to attend regular school with supportive education, if necessary. The Committee further recommends that the State party examine to what extent the current situation of the Roma language in the education system, with respect to both law and practice, meets the demands of the Roma population and their children and consider, as appropriate, further measures aimed at ensuring education or instruction in the Roma language, with reference to article 29 of the Convention. Teacher training in this language should be strengthened. The Committee recommends that the State party, in accordance with article 29 (c) of the Convention, ensure that the education system and the media in particular foster positive attitudes towards minorities and intercultural dialogue between the minorities and the majority, including children.

7. Special measures of protection

Commercial sexual exploitation

49. In line with the observation of the Special Rapporteur on the sale of children, child prostitution, and child pornography (see E/CN.4/1999/71), the Committee is concerned that Slovakia has become a transit country for the transport of children for pornography, prostitution and sex tourism. The Committee is also concerned at reports that commercial sexual exploitation, particularly involving Russian and Ukrainian girls, is increasing and at the generally insufficient data on and awareness about the phenomenon of commercial sexual exploitation of children in Slovakia.

50. The Committee recommends that the State party undertake a national study on the nature and extent of this phenomenon and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee recommends that the State party: ensure that domestic laws in this area are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect victims from discrimination and reprisals against those who expose violations; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need to adequately train personnel working with child victims. The Committee recommends that the State party continue to carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and protection from sexual exploitation. The Committee encourages the State party to continue its close collaboration with authorities abroad.

Administration of juvenile justice

51. The Committee notes recent amendments to the Penal Code and the Penal Rules in the area of juvenile justice. However, the Committee is concerned at the insufficient information available on prevailing conditions in detention facilities for juveniles and with respect to independent complaints mechanisms.

52. In light of article 37 of the Convention, the Committee recommends that the State party ensure that conditions of detention conform to international standards and in this regard consider the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment concerning the detention of juveniles. Moreover, the Committee recommends that the State party ensure that there are effective independent mechanisms available to receive and address concerns raised by detainees. The Committee recommends that the State party seek assistance from, among others, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

8. Optional Protocols to the Convention on the Rights of the Child

53. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

9. Dissemination of the report and the recommendations of the Committee

54. Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.